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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,869	12/12/2001	Simon Blair Dobson	60130-1294/00MRA0564	6697
26096 7590 03/21/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER REDMAN, JERRY E	
			ART UNIT 3634	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/020,869
Filing Date: December 12, 2001
Appellant(s): DOBSON, SIMON BLAIR

Ms. Karin Butchko
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/4/2006 appealing from the Office action mailed 1/23/2006 (final rejection).

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

EP 0 579 535 A1 Queveau 7-1993

WO 01/14665 A1 Larabel 3-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 5, 17, and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over European patent to Queveau in view of WO patent No. 01/14665 to Larabel.

European patent to Queveau discloses a vehicle door assembly (1) having an outer door skin (2), an inner door panel (3), a waterproof trim panel (4) mounted adjacent to the inner door panel (3) providing a "complete" waterproof barrier between two spaces, a latch mechanism (8), a manually actuable element (97), and a bezel (96, specification calls element 97 a cap which would serve two purposes, one as a bezel for the manually actuable element (97) and the other is to provide a "sealing arrangement" between the cap and the trim panel) secured to the trim panel (4). European patent to Queveau fails to disclose an O-shaped seal between the manually actuable element and an opening in which the manually actuable element is moved. WO patent No. 01/14665 to Larabel discloses an O-shaped seal (page 8, lines 12-16), which seals

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between a door panel and a projection into the door panel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide European patent to Queveau with an elastic seal ring as taught by WO patent No. 01/14665 to Larabel since an elastic seal ring protects the interior space from the entry of air, water and/or other contaminants.

(10) Response to Argument

The appellant's argument is based on the phraseology "waterproof". Firstly, EP patent to Queveau discloses the structural limitations as discussed in detail above. Furthermore, Queveau discloses panel 4 to be molded and/or be formed from a synthetic material (page 1, second paragraph, page 3, third paragraph). Thus, the Examiner's stance is that if something is molded and/or formed from a synthetic material, then it is "waterproof". Although Queveau fails to specifically state that the material is "waterproof", the automobile industry and my many years of experience in class 49 which handles these particular inventions has produced these panels to be formed of metal and/or plastic. The use of plastic is well known in the art because of its strength, durability, and lightweight for obvious reasons; and therefore the panel of Queveau is "waterproof". Secondly, many products on the market use the phraseology "waterproof", i.e., jackets, tents, etc..., yet they repel water but are not 100% "waterproof" as anyone whose walked in the rain or gone camping could testify.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

An English translation of EP 0 579 535 A1 to Queveau is herein attached.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jerry Redman


Jerry Redman
Primary Examiner

Conferees:

Greg Strimbu



Pete Cuomo

